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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,061	12/15/2003	Christopher Olsen	AMAT/8629/FEP/GCM/RKK	4253

7590 10/03/2006

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EXAMINER

STOUFFER, KELLY M

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/736,061	Applicant(s) OLSEN ET AL.	
	Examiner Kelly Stouffer	Art Unit 1762	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 10-18.
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached Detailed Action.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

Continuation of 5. Applicant's reply has overcome the following rejection(s): The rejection under 35 USC 102(b) as the claims rejected were cancelled in the reply. The examiner wishes to note that the features described in the previous office action with reference to this rejection are still able to be applied as the rejected claims include some of the same features. .

DETAILED ACTION

The cancellation of claims 1-9 in the reply dated 25 September 2006 is acknowledged.

Response to Arguments

Applicant's arguments filed 25 September 2006 have been fully considered but they are not persuasive.

Applicant transposes the rejection of claims 10-12, 14 and 16 under 35 USC 103(a) as being unpatentable over Cheng et al. in view of Kiryu et al. Applicants argue that Kiryu et al.'s different types of processing chambers are not sufficient to provide a suggestion or motivation for forming silicon oxynitride layers in two different chambers. However, using the process as described by Cheng et al. in the previous office action it would have been obvious to one having ordinary skill to modify the processing system of Kiryu et al. to include using different chambers for each step of the process. In addition, Kiryu et al.'s different types of processing chambers shows that different process steps, like the steps disclosed by Cheng et al., may be performed in separate processing chambers and it would have been obvious to one of ordinary skill in the modify these processing chambers with the processes of Cheng et al., as described in the previous office action.

The applicant further argues that the motivation for combining the processes of Cheng et al. with different processing chambers or Kiryu et al. of avoiding contamination of the substrate is not sufficient to combine the two teachings. The Examiner respectfully disagrees as Kiryu et al. states that using the different processing chambers

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in the form of a cluster tool prevents contamination of the substrate from the atmosphere in paragraphs [0141]-[0143]. Kiryu et al. additionally, in paragraph [0140], discloses that the cluster tool allows different processing chambers each with different processes (such as those of Cheng et al.) to have differing degrees of vacuum, which one of ordinary skill in the art would recognize as being beneficial during different processes in order to optimize the pressure in the chamber for each process. Additionally, by this disclosure Kiryu et al. is also implying that the substrate is not contaminated by each process due to the cluster tool. The ability for each chamber of the cluster tool or Kiryu et al. to close off to one another and maintain its own vacuum would be recognized by one of ordinary skill in the art to prevent gas exchange between adjacent chambers and therefore contamination between adjacent chambers.

Thus Cheng et al. in view of Kiryu et al. teaches the limitations of claims 10-12, 14 and 16 and the arguments of the Advisory Action of 19 September 2006 are upheld in regards to the aforementioned claims and claims 13, 15, 17 and 18. (Given the Applicants' arguments regarding claims 13, 15, 17 and 18 are based upon the arguments for claim 10). Therefore, the rejections made in the Office Action of 19 July 2006 are maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Stouffer whose telephone number is (571) 272-2668. The examiner can normally be reached on Monday - Thursday 7:00-5:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kelly Stouffer
Examiner
Art Unit 1762

kms


TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER